

USC 102(b) as being anticipated by Gebrauchsmuster G 86 04 004.9. Claims 53 and 57-58 are rejected under 35 USC 103(a) as being unpatentable over Gebrauchsmuster G 86 04 004.9. An English translation of Gebrauchsmuster G 86 04 004.9 is enclosed herewith accompanied by an Information Disclosure Citation PTO-1449. These rejections are respectfully traversed.

### **Rejection – 35 U.S.C. §102**

Claims 48-58 are rejected under 35 USC 102(b) as being anticipated by Gebrauchsmuster G 86 04 004.9. In particular, the rejection is that Gebrauchsmuster G 86 04 004.9 teaches all the limitations of the above claims including a panels (2), metal connector with projection (8), extensions (6), protrusions (9) that extend vertical less than projection, and recesses (5). This rejection is respectfully traversed.

In response, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."<sup>1</sup> Claim 49 (once amended) recites that "the base is not designed to be in contact with the support structure upon interconnection of flooring panels." Alternatively, Gebrauchsmuster G 86 04 004.9 teaches that

a further advantageous embodiment of the innovation can be recognized in figure 3, in which flange 7 is arranged so that it terminates with its outer surface facing bottom plate 1 flush with the corresponding bottom of running- and pressure distribution plate 2. Of course, the associated receiving groove is correspondingly formed. As result of this measure, not only an evenness of the entire surface that is advantageous for the use of the sport floor covering is achieved but also the assembly of the sport floor covering is simplified.<sup>2</sup>

Because the flange 7 terminates with its outer surface facing bottom plate 1 flush with the bottom of the plate 2, both the track 5 and the plate 2 will rest equally on the support surface, according to Gebrauchsmuster G 86 04 004.9. Thus the invention as claimed in claim 49 (once amended) is not anticipated by the reference.

Claim 54 (once amended) recites that "the right and left halves of the projection further comprise recesses therein." According to the specification "'8' identifies a recess in one side of

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<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>2</sup> Gebrauchsmuster G 86 04 004.9 translation at page 6, lines 10-17.

base 2 of connector 1, [and] '9' identifies a recess on another side of base 2 of connector 1"<sup>3</sup> The specification further teaches that "'12' identifies a recess in between second projections 10 and 11, and '13' and '14' identify recesses located underneath the top portion of the projection (collectively 3, 4, and 5)."<sup>4</sup> Alternatively, Gebrauchsmuster G 86 04 004.9 fails to disclose or suggest any recesses. Therefore, the invention as claimed in claim 54 (once amended) is not anticipated by the reference.

Claim 55 (once amended) recites that "the base further comprises two recesses formed therein located between the protrusions and the projection." According to the specification "'8' identifies a recess in one side of base 2 of connector 1, [and] '9' identifies a recess on another side of base 2 of connector 1"<sup>5</sup> The specification further teaches that "'12' identifies a recess in between second projections 10 and 11, and '13' and '14' identify recesses located underneath the top portion of the projection (collectively 3, 4, and 5)."<sup>6</sup> Alternatively, Gebrauchsmuster G 86 04 004.9 fails to disclose or suggest any recesses. Therefore, the invention as claimed in claim 55 (once amended) is not anticipated by the reference.

### Rejection – 35 U.S.C. §103

Claims 53 and 57-58 are rejected under 35 USC 103(a) as being unpatentable over Gebrauchsmuster G 86 04 004.9. In particular, the rejection is that Patent 86 04 004.9 teaches all the limitations of the above claims except specifically that the projections and protrusions extend the entire length of the connector and that the connector is made of plastic. This rejection is respectfully traversed.

In response, a case of *prima facie* obviousness has not been established because not all of the claim limitations are taught or suggested by the prior art.<sup>7</sup> Claim 53 (once amended) depends from claim 49 (once amended). As noted above, Claim 49 (once amended) recites that "the base is not designed to be in contact with the support structure upon interconnection of flooring panels."

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<sup>3</sup> Specification at page 33, lines 21-22.

<sup>4</sup> Specification at page 34, lines 1-3.

<sup>5</sup> Specification at page 33, lines 21-22.

<sup>6</sup> Specification at page 34, lines 1-3.

<sup>7</sup> *In re Royka*, 180 USPQ 580 (CCPA 1974). (To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art).

Gebrauchsmuster G 86 04 004.9 fails to teach or suggest this limitation. Therefore, the invention as claimed in claim 53 (once amended) is patentable under 35 USC 103 in view of the reference.

Similarly, claims 57 (once amended) and 58 (once amended) depend from claim 55 (once amended). As noted above, Claim 55 (once amended) recites that "the base further comprises two recesses formed therein located between the protrusions and the projection." Since Gebrauchsmuster G 86 04 004.9 fails to teach or suggest any recesses, the inventions as claimed in claims 57 (once amended) and 58 (once amended) are patentable under 35 USC 103 in view of this reference.

### Conclusion

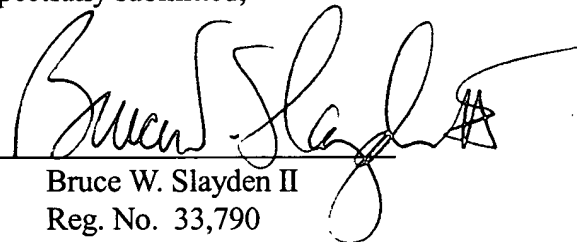
As amended herein, Claims 49 and 51-58 are pending in the application. Claims 49 and 51-58 are patentable in view of the prior art. Therefore, applicant respectfully requests withdrawal of the rejection and allowance of all pending claims.

Respectfully submitted,

DATE

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Marked up version of rewritten claims amended in this Response

49. (once amended) A disengageable connector for vertically and horizontally interconnecting individual flooring panels with identical edges to form a permanent or temporary laminate flooring surface on top of a support structure, said connector comprising:  
a base and a projection extending vertically from said base, said projection having top and bottom portions and consisting of identical right and left halves, the top portion of each half comprising identical extensions extending horizontally in opposite directions equal distances substantially parallel to, separate from and above said base, and optionally, two additional protrusions extending vertically from said base, said two protrusions spaced apart from said projection and being located on either side of said projection, [The connector of claim 48] wherein the base is not designed to be in contact with the support structure upon interconnection of flooring panels.
51. (once amended) The connector of claim [48] 49 wherein the protrusions vertically extend a distance less than the projection.
52. (once amended) The connector of claim [48] 49 wherein the connector is manufactured from metal.
53. (once amended) The connector of claim [48] 49 wherein the connector is manufactured from plastic.
54. (once amended) A disengageable connector for vertically and horizontally interconnecting individual flooring panels with identical edges to form a permanent or temporary laminate flooring surface on top of a support structure, said connector comprising:

a base and a projection extending vertically from said base, said projection having top and bottom portions and consisting of identical right and left halves, the top portion of each half comprising identical extensions extending horizontally in opposite directions equal distances substantially parallel to, separate from and above said base, and optionally, two additional protrusions extending vertically from said base, said two protrusions spaced apart from said projection and being located on either side of said projection, [The connector of claim 48] wherein the right and left halves of the projection further comprise recesses therein.

55. (once amended) A disengageable connector for vertically and horizontally interconnecting individual flooring panels with identical edges to form a permanent or temporary laminate flooring surface on top of a support structure, said connector comprising:  
a base and a projection extending vertically from said base, said projection having top and bottom portions and consisting of identical right and left halves, the top portion of each half comprising identical extensions extending horizontally in opposite directions equal distances substantially parallel to, separate from and above said base, and optionally, two additional protrusions extending vertically from said base, said two protrusions spaced apart from said projection and being located on either side of said projection, [The connector of claim 48] wherein the base further comprises two recesses formed therein located between the protrusions and the projection.

56. (once amended) The connector of claim [48] 55 wherein said connector is an elongated track.

57. (once amended) The connector of claim [48] 55 wherein the projection extends substantially

the entire length of the connector.

58. (once amended) The connector of claim [48] 55 including protrusions wherein the protrusions extend substantially the entire length of the connector.

Currently pending claims for U.S. Patent Application Serial No. 09/941,500

49. (once amended) A disengageable connector for vertically and horizontally interconnecting individual flooring panels with identical edges to form a permanent or temporary laminate flooring surface on top of a support structure, said connector comprising:  
a base and a projection extending vertically from said base, said projection having top and bottom portions and consisting of identical right and left halves, the top portion of each half comprising identical extensions extending horizontally in opposite directions equal distances substantially parallel to, separate from and above said base, and optionally, two additional protrusions extending vertically from said base, said two protrusions spaced apart from said projection and being located on either side of said projection, wherein the base is not designed to be in contact with the support structure upon interconnection of flooring panels.
51. (once amended) The connector of claim 49 wherein the protrusions vertically extend a distance less than the projection.
52. (once amended) The connector of claim 49 wherein the connector is manufactured from metal.
53. (once amended) The connector of claim 49 wherein the connector is manufactured from plastic.
54. (once amended) A disengageable connector for vertically and horizontally interconnecting individual flooring panels with identical edges to form a permanent or temporary laminate flooring surface on top of a support structure, said connector comprising:  
a base and a projection extending vertically from said base, said projection having top and

bottom portions and consisting of identical right and left halves, the top portion of each half comprising identical extensions extending horizontally in opposite directions equal distances substantially parallel to, separate from and above said base, and optionally, two additional protrusions extending vertically from said base, said two protrusions spaced apart from said projection and being located on either side of said projection, wherein the right and left halves of the projection further comprise recesses therein.

55. (once amended) A disengageable connector for vertically and horizontally interconnecting individual flooring panels with identical edges to form a permanent or temporary laminate flooring surface on top of a support structure, said connector comprising:  
a base and a projection extending vertically from said base, said projection having top and bottom portions and consisting of identical right and left halves, the top portion of each half comprising identical extensions extending horizontally in opposite directions equal distances substantially parallel to, separate from and above said base, and optionally, two additional protrusions extending vertically from said base, said two protrusions spaced apart from said projection and being located on either side of said projection, wherein the base further comprises two recesses formed therein located between the protrusions and the projection.
56. (once amended) The connector of claim 55 wherein said connector is an elongated track.
57. (once amended) The connector of claim 55 wherein the projection extends substantially the entire length of the connector.
58. (once amended) The connector of claim 55 including protrusions wherein the protrusions extend substantially the entire length of the connector.